

### REMARKS

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement.

Claims 1-12, 14, 16, and 17 are rejected per 35 U.S.C. 103(a) as being unpatentable over Mirzabekov in view of Guillet.

Applicants were advised on page nine of the Official Action that the specification appears to "disclose a non-obvious embodiment wherein OP-Cu mediated protein-DNA labeling produced 90 percent of the labeling at either the 3' or 5' end of the nucleic acid molecule" and that modifications of the base claims so as to recite this limitation "would render the entire application in condition for allowance."

Applicants appreciate the guidance provided by the Examiner in the Official Action related to the OP-Cu embodiment and have therefore modified independent claims 1 and 9 accordingly. Support for the generic OP-Cu recitation is found on page 4, lines 22-27 of the specification. Dependant claims also have been amended to rectify any antecedent concerns.

Claim 19 has been added to recite a specific OP-Cu species as a redox complex. Support for said species is found on page 13, line 28 et seq., related to the indirect labeling protocol.

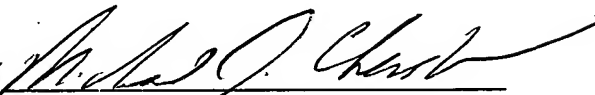
Claim 20 has been added to recite a specific OP-Cu species in combination with hydrogen peroxide to generate the free radicals used in independent claim 9. Support for this limitation is found on and page 15, line 10 et seq. of the specification. page 4, line 29 of the specification related to the direct labeling protocol.

The undersigned sincerely appreciates the guidance provided by the Examiner's comments and e-mails. An earnest attempt has been made hereby to respond to the June 16, 2006 Official Action and the September 5, 2006 Advisory Action. Applicant submits that claims 1-18 and new claims 19-20 are in condition for allowance. If the Examiner feels that a telephonic interview will expedite allowance, he is respectfully

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urged to contact the undersigned. Allowance of the application is respectfully  
requested.

Respectfully Solicited,  
**CHERSKOV & FLAYNIK**

BY   
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